

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

PERRY LESLIE BOWMAN,

Plaintiff,

v.

JON E. LITSCHER, et al.,

Defendants.

ORDER

Case No. 18-cv-61-wmc

On February 1, 2018, I entered an order denying plaintiff Perry Bowman's request for leave to proceed without prepayment of the \$400 filing; and plaintiff was given a deadline of February 23, 2018 to submit the \$400 filing fee. Now plaintiff has submitted a letter indicating that he has funds in his regular and work release accounts to pay the \$400 filing fee, but institution officials informed plaintiff that he is unable to access funds in his work release account. I will construe plaintiff's letter as a request to use his release account funds to pay the full \$400 filing fee.

Pursuant to 28 U.S.C. § 1915(b)(1), prison officials are required to use a prisoner's release account to satisfy an initial partial payment if no other funds are available. *Carter v. Bennett*, 399 F. Supp. 2d 936, 936-37 (W.D. Wis. 2005). Therefore, if sufficient funds do not exist in plaintiff's regular account to pay the \$400 filing fee, plaintiff is allowed to use his release account funds to pay some or all of the assessed amount.

ORDER

IT IS ORDERED that:

1. Plaintiff's motion to use his release account to pay the full \$400 filing fee, dkt. 4, is GRANTED. Plaintiff is to submit a check or money order made payable

to the clerk of court in the amount of \$400 or advise the court in writing why plaintiff is not able to pay on or before March 12, 2018.

2. If by March 12, 2018, plaintiff fails to pay the \$400 filing fee or show cause for failure to do so, plaintiff will be held to have withdrawn this action voluntarily and the case will be closed without prejudice to plaintiff filing this case at a later date.

3. No further action will be taken in this case until the clerk's office receives plaintiff's initial partial filing fee as directed above and the court has screened the complaint as required by the Prisoner Litigation Reform Act, 28 U.S.C. § 1915A. Once the screening process is complete, a separate order will issue.

Entered this 20th day of February, 2018.

BY THE COURT:

/s/
PETER OPPENEER
Magistrate Judge